

REMARKS

CLAIMS

Claims 38-39, 95, 97-99, 101, 103, 104, and 109-114 remain pending in the instant patent application. Claims 111 and 112 are amended. No new matter is added.

SPECIFICATION

Applicants have further clarified the incorporation by reference statements appearing in the first paragraph of the specification.

CLAIM OBJECTIONS

Although Applicants do not agree with the Office's assessment of that the wording of step (c) of claim 111 is unclear, Applicants have amended claim 111, in accordance with the Examiner's suggestion and have changed the position of the word "with" in step (c) of the claim. Applicants respectfully request withdrawal of this objection.

CLAIM REJECTIONS

Claims 38, 39, 95, 97-99, 101, 103, 104, and 109-112 stand rejected under 35 U.S.C. §112, second paragraph as being vague and indefinite. Applicants respectfully disagree.

Claim 111 stand rejected as allegedly being vague and indefinite because step (f) of the claim

...does not indicate how binding of one or more members of said mixture of compounds is related to at least one mass to charge ratio obtained in step (e), it is unclear why whether binding of one or more members of said mixture of compounds to the nucleic acid target has occurred can be determined by comparing at least one mass to charge ratio obtained in step (e) to the known mass to charge ratio of the complex. Please clarify.

(page 3, Office Action). Applicants respectfully submit that such rejections of claim 111 are inappropriate because implicit in these rejections are factual assertions by the Examiner that one of ordinary skill in the art would not appreciate the clarity of the steps in the claimed method. In the specification as filed, the Applicants provide one of ordinary skill in the art an abundance of guidance, including 22 examples and 33 figures, as to how to perform the claimed methods. Applicants respectfully submit that one of ordinary skill in the art would appreciate how, in view

of the extensive specification, each of these steps would achieve each of their stated objectives. If the Examiner is of a different view, Applicants request the Examiner to provide a declaration of fact as one of ordinary skill in the art, in order to properly reject the clarity of the instant claims.

Claim 111 also stands rejected as allegedly being vague and indefinite because step (c)

...does not indicate that one or more members in a mixture of compounds have known identities, it is unclear why the identity of said one or more members can be determined by calculating the mass of said one or more members as recited in step (g). Please clarify.

(page 3, Office Action). Applicants respectfully disagree, however, solely in effort to advance prosecution, Applicants have amended step (c) to indicate that the mixture of compounds are a mixture of **known** compounds. Applicants respectfully request the withdrawal of the rejection in view of this amendment.

Claim 113 stand rejected as allegedly being vague and indefinite because

...the claim does not indicate how to calculate a relative dissociation constant for said member by comparing the ion abundance of said one or more members to the known ion abundance of the complex, it is unclear why a relative dissociation constant for said member can be determined by comparing the ion abundance of said one or more members to the known ion abundance of the complex. Please clarify.

(page 3, Office Action). Applicants respectfully submit that such rejections of claim 111 are inappropriate because implicit in these rejections are factual assertions by the Examiner that one of ordinary skill in the art would not appreciate the clarity of the steps in the claimed method. In the specification as filed, the Applicants provide one of ordinary skill in the art an abundance of guidance, including 22 examples and 33 figures, as to how to perform the claimed methods. Applicants respectfully submit that one of ordinary skill in the art would appreciate how, in view of the extensive specification, each of these steps would achieve each of their stated objectives. If the Examiner is of a different view, Applicants request the Examiner to provide a declaration of fact as one of ordinary skill in the art, in order to properly reject the clarity of the instant claims.

CONCLUSION

Applicants believe that all outstanding issues in this case have been resolved and that the present claims are in condition for allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is invited to contact the undersigned at the telephone number provided below in order to expedite the resolution of such issues.

FEES

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 50-0252 referencing docket no. MSIBIS-0002USC2.

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Respectfully submitted,

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